

REMARKS

Upon entry of the present amendment claims 1-8, 10, 11 and 13-18 are pending in the application.

Claim 1 has been amended in accordance with the requirements of U.S. patent practice. Claim 1 now recites proper Markush language. No new matter has been added.

Examination of the claims is respectfully requested. Amendments to, cancellation of, and additions to, the claims, as set forth above, are made in order to streamline prosecution in this case by limiting examination and argument to certain claimed embodiments that presently are considered to be of immediate commercial significance. Amendment or cancellation of the claims is not in any manner intended to, and should not be construed to, waive Applicants' right in the future to seek such unamended or cancelled subject matter, or similar matter (whether in equivalent, broader, or narrower form) in the present application, and any continuation, divisional, continuation-in-part, RCE, or any other application claiming priority to or through the present application, nor in any manner to indicate an intention, expressed or implied, to surrender any equivalent to the claims as pending after such amendments or cancellations.

I. Claim Rejections

a) 35 USC § 112

Claims 1-8, 10-11 and 13-18 stand rejected under 35 USC § 112 second paragraph as being indefinite. The Examiner contends that the phrase "such as" renders claim 1 indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. The Examiner further contends that it is unclear if these are just examples of functional groups wherein others are possible.

Applicants respectfully traverse. Without conceding the correctness of the Examiners position or the need for amendment. Claim 1 has been amended to delete the phrase "such as" and replace it with proper Markush claim language. The claim as amended is not indefinite. Applicants respectfully request recommendation and withdrawal of this rejection.

b) 35 USC § 103(a)

Claims 1-8, 10-11 and 13-18 stand rejected under 35 USC § 103(a) as being unpatentable over Rink, et al. (DE 10305076).

Applicants respectfully traverse. The instant application has a priority date of November 5, 2002 (Germany 10251759.0). The cited reference has a priority date of February 7, 2003. A certified translation of the foreign priority document submitted in accordance with 37 CFR 1.55 will remove the Rink reference as available prior art. The Undersigned is in the process of obtaining such a translation and will submit the same as soon as it becomes available in a Supplemental Response.

CONCLUSION

Applicant(s) respectfully submit that the Application and pending claims are patentable in view of the foregoing amendments and/or remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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Friday, October 03, 2008
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